

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

IGNACIO HERNANDEZ

Plaintiff,

vs.

JUAN FUENTES BARROSO,
ET AL

Defendants.

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CIVIL ACTION NO. _____

Removed from 190th District Court of
Harris County, Texas

NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF THE UNITED STATES DISTRICT COURT:

Defendants, **Withers/Suddath Relocation Systems, Inc.** (incorrectly named “Suddath Relocation Systems, Inc.”) and **Juan Fuentes Barroso** file this Notice of Removal and say:

A. Removal Under 28 U.S.C. § 1446(b).

1. This Court has diversity jurisdiction over this cause. Plaintiff filed this action in Texas state district court, styled Cause No. 15-21438; *Ignacio Hernandez v. Juan Fuentes Barroso, et al* in the 190th District Court of Harris County, Texas located at the Harris County Civil Courthouse, 201 Caroline, 12th Floor, Houston, TX 77002.

2. Suddath Relocation Systems, Inc. received copies of the original petition (“Complaint”) (Exhibit A) and citation (Exhibit B) on or about April 22, 2015 from Special Services of Jacksonville, Inc. This case is timely removed under 28 U.S.C. § 1446(b).

3. Defendant Juan Fuentes Barroso received copies of the original petition and citation (Exhibit C) on or about May 7, 2015 from process server Jorge Gonzalez.

5. Pursuant to 28 U.S.C. § 1446(a), the Removing Defendants have attached true and correct copies of “all process, pleadings, and orders served” upon the Removing Defendants in the State Court Action as Exhibit A-C.

B. Complete Diversity of Citizenship.

6. There is complete diversity of citizenship of the parties. Plaintiff is a Texas citizen and Defendants are/were not Texas citizens both at the time of removal and at the time of the filing of the suit in state court. Consequently, this Court has original jurisdiction over this civil action under 28 U.S.C. § 1332, and the case may be removed under 28 U.S.C. § 1446(b).

a. Defendant, Withers/Suddath Relocation Systems is a Florida corporation with its principal place of business in Jacksonville, Florida.

b. Defendant, Juan Fuentes Barroso is a resident and citizen of the State of Florida, who resides at 10441 S.W. 150th Terrace, Miami, Florida, 33176.

7. Accordingly, complete diversity exists in this action.

C. Amount-in-Controversy.

8. This removal satisfies the requirements of 28 U.S.C. § 1446(b) because the Petition filed by Plaintiff and served on Withers/Suddath Relocation Systems, Inc. on April 22, 2015 (Exhibit B) states that the monetary damages sought exceed \$200,000. (Exhibit A). Consequently, removal is proper under 28 U.S.C. § 1446(b) which provides for removal within 30 days after receipt of a “paper” which first shows that the case is removable.

9. This notice is filed within thirty days of receipt of Exhibit A which is the paper from which it could first be ascertained that the case was removable. (Exhibit A-C).

10. By filing a Notice in this matter, the Removing Defendants do not waive their right to object to service of process, the sufficiency of process, jurisdiction over the person, or

venue and the Removing Defendants specifically reserve the right to assert any defenses and/or objections to which they may be entitled, including but not limited to, their right to move to dismiss this action pursuant to Rule 12 of the Federal Rules of Civil Procedure.

11. Copies of all documents to be filed with the Notice of Removal are attached.

WHEREFORE, Defendants hereby remove this civil action from the 190th District Court of Harris County, Texas, to the United States District Court for the Southern District of Texas, Houston Division.

Respectfully submitted,

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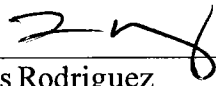
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Certificate of Service

I certify that on May 20, 2015, a complete and correct copy of the foregoing pleading was delivered to the following attorney of record in the manner indicated below:

VIA CMRRR#: 70143490000045096794

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Luis Rodriguez